REMARKS

In the June 23, 2005 Office Action, the Examiner noted that claims 2-44 and 61-66 were pending in the application; rejected claims 17-21, 25, 26 and 45-60 under 35 U.S.C. § 102(e); rejected claims 2-6, 9-16, 22-24 and 27-44 under 35 U.S.C. § 103(a); and objected to claims 7, 8 and 66 as reciting allowable subject matter, but dependent from rejected base claims. In rejecting the claims, U.S. Patents 5,774,664 to Hidary et al. (Reference BA in the Information Disclosure Statement filed March 30, 2001) and 5,978,773 to Hudetz et al. (Reference A in the October 21, 2004 Office Action) were cited. Claims 5 and 61 have been canceled and claims 67-115 have been added. Thus, claims 2-4; 6-44 and 62-115 remain in the case. The Examiner's rejections are traversed below.

Rejections under 35 U.S.C. § 103(a)

In Item 2 on pages 2-5 of the Office Action, claims 2-6, 9-12, 14-44 and 61-65 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hidary et al. First, it is noted that claims 5 and 61 have been canceled and claims 6 and 62 have been amended to depend from claims that were not rejected over Hidary et al. taken alone; therefore, the rejections of claims 6 and 62-65 will be addressed below with the rejection of the claims from which they depend.

In making this rejection, it was asserted that column 4, lines 40-67 and column 5, lines 25-46 of Hidary et al. disclosed "dynamically determining/abstracting a plurality of identifiers (e.g., URLs, server addresses) from information associated/embedded with the program where the embedded information was not stored to identify the playing program" (Office Action, page 2, lines 11-14). However, this portion of Hidary et al., as indicated by the words "URLs, server addresses" and "embedded information" in the rejection, describes "URLs ... encoded onto ... the VBI" (column 4, lines 48-50), where "VBI" is the "vertical blanking interval" (column 3, lines 26-27) and a "URL decoder 12 [which] extracts the URLs, preferably embedded in the vertical blanking interval" (column 5, lines 28-30). Modification of the preferred embodiment as described in columns 9 and 10 to use "a VHS, Beta, DVD or other medium" (column 9, lines 6-7) does not change the fact that the technique disclosed in Hidary et al. lacks steps recited the claims.

The previously pending independent claims have been amended to clarify that the "identifier [is] derived from table of contents information for the recording" (e.g., claim 2, last 2 lines). There is no suggestion in Hidary et al. that the URL embedded in the VBI is derived from table of contents information for the recording. Therefore, it is submitted that claims 2, 14, 15,

17, 25, 33, 37 and 43 and claims 3, 4, 9-12, 16, 18-24, 26-32, 34-36 and 38-42 which depend therefrom, patentably distinguish over Hidary et al. for the reasons discussed above.

In item 3 on pages 5 and 6 of the Office Action, claim 13 was rejected as unpatentable over Hidary et al. in view of Hudetz et al. In making this rejection, column 4, lines 19-30 and column 7, lines 1-28 of Hudetz et al. were cited as disclosing an "index database to store URLs related to a product or service ..., providing addresses that are independent from content providers' addresses" (Office Action, page 5, last line to page 6, line 1). The cited portion of column 4 only states that Hudetz et al. discloses a way to "overcome ... the problems encountered when network addresses are changed" (column 4, lines 19-20), not how that is accomplished. On the other hand, the cited portion of column 7 describes a database with four fields, "a UPC product identification number" (column 7, lines 7-8) which takes up 2 of the fields; " a URL suitable for locating a resource on the Internet" (column 7, lines 8-9); and "a narrative description of the resource addressed" (column 7, lines 12-13) by the URL. There is no suggestion here or any other statement found in Hudetz et al. of an "identifier derived from table of contents information for ... [a] recording" (e.g., claim 2, last 2 lines). Therefore, it is submitted that Hudetz et al. does not overcome the deficiencies of Hidary et al. discussed above and claim 13 patentably distinguishes over Hidary et al. and Hudetz et al. taken individually or in combination.

New Claims

Claims 67, 69, 71, 77, 81 and 86 recite "obtaining an identifier from table of contents information for the compact disc" (e.g., claim 67, lines 4-5). Therefore, it is submitted that claim 67, 69, 71, 77, 81 and 86, as well as claims 68, 70, 72, 73, 82-85 and 87-89 which depend therefrom, patentably distinguish over Hidary et al. and Hudetz et al. for at least the reasons discussed above with respect to the previously pending claims.

Claims 74, 98 and 108 recite "obtaining an identifier for the recording from information provided with the recording to play back the recording" (e.g., claim 74, lines 3-4). Similarly, claim 78 recites "recording identifiers derived from the information used to play the recordings" (claim 78, lines 9-10) and claim 90 recites "the local data are accessed to play the recording for a user of the local device, to obtain at least one pointer string, corresponding to the local data, from at least one database of local data identifiers derived from the local data" (claim 90, lines 3-6). Neither reading URLs embedded in the VBI, as taught by Hidary et al., nor scanning UPCs from a product, as taught by Hudetz et al., suggest the use of identifiers created as recited in any of these claims. Therefore, it is submitted that claims 74, 78, 90, 98 and 108, as well as claims 75,

76, 79, 80, 91-96, 99-102 and 109-115 which depend therefrom, patentably distinguish over Hidary et al. and Hudetz et al.

Claim 97 recites "obtaining an identifier, from information used when playing back the local data, when the one of a compact disc and a digital versatile disc is inserted into the local device" (claim 97, lines 4-5). It is submitted that Hidary et al. and Hudetz et al. do not teach obtaining an identifier in this manner either.

Claim 103 recites "local data included in a recording to play back the recording" (claim 103, lines 1-2) and "at least one pointer string at least partially defining a uniform resource locator corresponding to the local data" (claim 103, lines 7-9). It is submitted that Hidary et al. and Hudetz et al. do not teach this combination of limitations either. Therefore, it is submitted that claim 103 and claims 104-107 which depend therefrom patentably distinguish over Hidary et al. and Hudetz et al. for at least this reason.

Request for Examiner Interview

If the rejections relying on Hidary et al. and Hudetz et al. are not withdrawn as a result of filing this Amendment, the Examiner is respectfully requested to contact the undersigned to arrange an Examiner Interview prior to issuing another Office Action, to discuss what further amendments would distinguish over Hidary et al. and Hudetz et al.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 2-4; 6-44 and 62-115 are in a condition for suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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